

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA

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]

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v.

Cr. No. 19-cr-142-LM

NATHAN CRAIGUE

ADDENDUM TO MOTION IN LIMINE #4

The defendant, Nathan Craigue, by and through his counsel, respectfully files this Addendum to his Motion in Limine #4.

In support of this Motion, it is stated:

Counsel's motion referenced Christopher Erickson's arrest on September 24, 2020 for driving while intoxicated, third offense, by the Concord Police. Counsel initially believed the offense was alcohol-related. Since obtaining the complaint and Gerstein affidavit of the arrest, counsel is now aware that the complaint alleges impairment from a controlled substance, prescription drug or other chemical substance.¹ To the extent that these facts may impact the Court's decision, counsel respectfully files this addendum.

Respectfully submitted,

Date: November 2, 2020

/s/ Dorothy E. Graham
Dorothy E. Graham
N.H. Bar No. 11292
Assistant Federal Defender
22 Bridge Street, 3rd floor
Concord, NH 03301
Tel. (603) 226-7360
E-mail: Dorothy_Graham@fd.org

¹ Complaint and Gerstein are attached to this motion.

CERTIFICATE OF SERVICE

I hereby certify that the above document was served on the following person on November 2, 2020 and in the manner specified herein: electronically served through CM/ECF to AUSA John Davis and AUSA Anna Dronzek.

/s/Dorothy E. Graham
Dorothy E. Graham

ATTACHMENT

The State of New Hampshire
COMPLAINT

Case Number:

429-2020-CR-2940

Charge ID: 1788974C

<input type="checkbox"/> VIOLATION	MISDEMEANOR	<input checked="" type="checkbox"/> CLASS A	<input type="checkbox"/> CLASS B	<input type="checkbox"/> UNCLASSIFIED (non-person)
	FELONY	<input type="checkbox"/> CLASS A	<input type="checkbox"/> CLASS B	<input type="checkbox"/> SPECIAL

You are to appear at the: **6th Circuit - District Division - Concord**

Court,

Address: **32 CLINTON ST , CONCORD, NH**County: **MERRIMACK**Time: **11:00 AM** Date: **09/25/2020**

Under penalty of law to answer to a complaint charging you with the following offense:

THE UNDERSIGNED COMPLAINS THAT : PLEASE PRINT

ERICKSON	CHRISTOPHER	EDWARD
Last Name	First Name	Middle
	CONCORD	NH 03301
Address	City	State Zip
M W 5 0 9	2 4 0	GREEN BROWN
Sex Race	Height	Weight
		Eye Color Hair Color
		NH

DOB	License #:	OP License State
<input type="checkbox"/> COMM. VEH.	<input type="checkbox"/> COMM. DR. LIC.	<input type="checkbox"/> HAZ. MAT. <input type="checkbox"/> 16+PASSENGER

AT: 35 PINE CREST CIR, CONCORD NH

On 09/24/2020 at 5:31 PM in Merrimack County NH, did commit the offense of:

RSA Name: DUI 3rd; Impairment

Contrary to RSA: 265-A:2,I(a)

Inchoate:

(Sentence Enhancer):

And the laws of New Hampshire for which the defendant should be held to answer, in that the defendant did:

Drive a vehicle, to wit, NH: [REDACTED] upon a way, to wit, [REDACTED] while under the influence of any controlled drug, prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic, which impairs a person's ability to drive, while said Defendant had been previously convicted for Driving While Intoxicated on 1/14/14 in the Franklin District Court and on 3/12/15 in the Newport District Court for second offense Driving While Intoxicated, in said Concord;

A True Copy Attest:*Christopher McGehee*

against the peace and dignity of the State.

 SERVED IN HAND*Christopher McGehee*

Complainant Signature

Christopher McGehee

Complainant Printed Name

 RECEIVED
6TH CIRCUIT COURT
CLERK'S OFFICE CONCORD
2020 SEP 25

Clerk

Concord

Complainant Dept.

Making a false statement on this complaint may result in criminal prosecution.

Oath below not required for police officers unless complaint charges class A misdemeanor or felony (RSA 592-A:7.I). Personally appeared the above named complainant and made oath that the above complaint by him/her subscribed is, in his/her belief, true.

9/25/20

Date

NHJB-2962-D (6/27/2016)

Justice of the Peace

exp 6/21/22

Case Number:

Charge ID:

Concord Police Department
PC AFFIDAVIT (GERSTEIN)

Page: 1

Ref: 20-30225-AR

Police Officer Michael A Cooper

RECEIVED
NH CIRCUIT COURT
NH CIRCUIT CONCORD

20-30225-AR

2020 SEP 25 A 9:29

Concord Police Department
Supporting Affidavit Establishing Probable Cause For Arrest
THE STATE OF NEW HAMPSHIRE

Merrimack, SS.

Concord

6th Circuit District Division,

09/24/2020

I, Police Officer Michael A Cooper, being duly sworn, depose and say:

I am currently employed as a Concord, New Hampshire Police Officer and On 09/24/2020 1847, I arrested the defendant:

ERICKSON, CHRISTOPHER EDWARD
[REDACTED]
CIR
CONCORD NH 03301

1. The defendant, ERICKSON, CHRISTOPHER EDWARD, has been charged with:

DUI 3rd; Impairment / NH RSA 265-A:18 IV(a) (Misdemeanor A)

Supporting narrative:

2. On Thursday September 24, 2020 at approximately 1731 hours, dispatch requested that Officer Garrahan and I respond to the area of [REDACTED] for a motor vehicle complaint. While responding to [REDACTED] Dispatch told us that the calling party, Daniel Baggaley DOB: [REDACTED] reported that a Jeep drove onto his front lawn and that the driver of the vehicle got out of the vehicle and appeared very confused. Dispatch told me that the calling party reported that the male subject got back into the Jeep, began driving away from the scene, and nearly hit two teenage girls walking in the area.

4. At [REDACTED] I made contact with Donna Deyo DOB: [REDACTED] who told me that the male subject we were looking for in the Jeep was "Chris" and that he drove the vehicle to his residence at [REDACTED] where the vehicle was currently parked. While I was speaking with her I noticed that there were fresh tire tracks in her front lawn. She told me that she was certain that the white Jeep was the vehicle that drove through her front yard prior to my arrival and that a male subject wearing an orange jacket got out of it and went inside [REDACTED]

5. At [REDACTED] Officer Garrahan and I approached the Jeep, NH: [REDACTED] and I noticed that it had an alcohol interlock device installed in it. I also noticed that the vehicle still had the keys in the ignition and that the column was still on with the dashboard chiming. Officer Garrahan and I approached the residence, knocked at the door, announced our presence, and a male subject, later identified as Christopher Erickson DOB: [REDACTED] came to the window. Outside of the residence I asked Mr. Erickson if he had driven his vehicle anywhere tonight and he told me that he went to the Xtra Mart gas station on Whitney road earlier.

A True Copy Attest:
Michael A. Cooper

Clerk

Concord Police Department

PC AFFIDAVIT (GERSTEIN)

Page: 2

Ref: 20-30225-AR

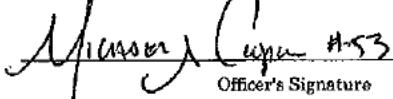
buy cigarettes. I asked Mr. Erickson if he drove back to his residence after he purchased the cigarettes and he told me that he did. I asked Mr. Erickson if he had driven through someone's lawn by accident on the way home and he told me that he thought he did slightly. While I was speaking with him I noticed that he displayed signs and symptoms of impairment in that his speech was slow and slurred, his pupils were constricted, his eye lids were droopy, that his movements were extremely lethargic and methodical, and that he would roll his eyes into the back of his head heavily to the point where he would nod off while speaking with me.

6. After Mr. Erickson admitted that he had driven his vehicle to the Xtra Mart on Whitney Road I had Officer Garrahan remain on scene with him while I went and spoke with Ms. Deyo. At [REDACTED] I made contact with Ms. Deyo who told me that the male subject who had driven on her lawn in the white Jeep had grey hair, was an older white male, and was wearing an orange jacket. Ms. Deyo's description of the male subject that was driving the Jeep during the time of the incident matched Mr. Erickson's current description. I asked Ms. Deyo if she would be willing to participate in a show up at [REDACTED] in an attempt to identify a possible suspect and she told me that she would. I told Ms. Deyo that Officer Garrahan was at the residence with a male subject who may or may not have been the male subject that drove the Jeep on her lawn. Ms. Deyo told me that she understood, got into my cruiser, and I drove her towards the residence. As I drove in front of the residence Ms. Deyo looked over at Mr. Erickson and immediately said, "yep that's him!" and identified him as the driver of the Jeep.

7. At [REDACTED] I made contact with Mr. Erickson and asked him if he would be willing to complete a series of Field Sobriety Tests in order to disprove any kind of impairment and he told me that he would. During Field Sobriety Testing Mr. Erickson exhibited signs and symptoms of impairment and was arrested for Driving While Intoxicated. At the station I read Mr. Erickson the Administrative License Suspension form verbatim and told him that I would be requesting that a blood test be completed by a phlebotomist. Mr. Erickson told me that he did not want to complete the testing and signed the Administrative License Suspension form as a refusal.

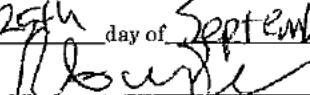
8. During processing I reviewed Mr. Erickson's motor vehicle history and noted that he had been previously convicted for Driving While Intoxicated on 1/14/14 in the Franklin District Court and was also convicted of Driving While Intoxicated Second Offense on 3/12/15 in the Newport District Court. After processing Mr. Erickson Bail Commissioner Ringland determined that he would be held without bail under a preventative detention order. Mr. Erickson was transported to the Merrimack County House of Corrections where he was held pending his arraignment date on 9/25/20 in the Concord District Court.

I hereby swear that the facts and information contained are true to the best of my knowledge and belief.

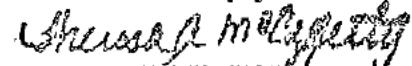

Michael Cooper #53
Officer's Signature

Then personally appeared the above named Michael Cooper and made oath
that the foregoing affidavit by him subscribed is true.

Before me this 25th day of September 2020


Justice of the Peace

A True Copy Attest:



Clerk